

# EXHIBIT E

**From:** [Patrick Murphy](#)  
**To:** ["kelly\\_rankin@wyd.uscourts.gov"; Joseph Layzell](#)  
**Cc:** [Paula Colbath](#); [Leily Lashkari](#); [Sean Larson](#); [Kari Hartman](#); [Feinstein, Marc](#); [Marc Gottlieb](#); [Meggan Hathaway](#); [Jane France](#); [Alex Inman](#); [Farrell, Kaitie](#); [Scott C. Murray](#); [Patrick Murphy](#)  
**Subject:** Today's 2:00 pm Informal Discovery Call re: BCB v. MineOne et al.  
**Date:** Monday, February 26, 2024 11:42:52 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[Attachments.html](#)

## CAUTION: EXTERNAL EMAIL



### Citrix Attachments

Expires August 24, 2024

2.26.24 Doc 2.pdf	547.3 KB
2.26.24 Doc. 1.pdf	2.3 MB
2.26.24 Doc. 3.pdf	8.6 MB
2.26.24 Doc. 4.pdf	6.2 MB
2.26.24 Doc. 5.pdf	864.2 KB

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Dear Judge Rankin:

Plaintiff's expert designation and report is due in two days. Defendants have stalled and delayed providing Plaintiff BCB with the written discovery it needs. The highest priority at today's 2:00 pm informal discovery call with Your Honor is compelling MineOne to quickly provide the documents its promised it would provide by February 18 (but which it has not provided).

MineOne promised the Court it would fully comply with answering and producing documents responsive to Plaintiff's RFP Nos. 2, 3 and 4 by February 18. MineOne hasn't done that. MineOne has never provided the *SF Agreement*, the Addenda to that *SF Agreement*, the *loan documents* between Bitmain and MineOne, the drafts of the *SF Agreement*, or the communications *between Bitmain and MineOne* relating to the cryptocurrency mining at the North Range or Campstool sites. The pre-suit communications between Bitmain and MineOne will further demonstrate Bitmain's intentional interference with BCB's contract, and MineOne's breach of BCB's contract. But they

won't provide these documents to BCB.

MineOne told the Court it had fully responded and produced documents to BCB's RFP No. 6. MineOne hasn't even approached a meaningful production to RFP No. 6.

MineOne told Your Honor that Huali Zhang and Ziyao Shao were not employees of MineOne nor of any Defendant in this action. MineOne said, "Accordingly, Defendants do not have access to or control the [e-mail] accounts associated with their employer." See Paula Colbath's 2/7/24 letter. On February 11, I wrote to Ms. Colbath showing Ms. Colbath both those men were MineOne employees, and MineOne said so in its own e-mails. I asked Ms. Colbath to correct her mis-statements to the Court by February 14, but she has not done so. And MineOne hasn't supplemented its inadequate discovery production to RFP No. 6 with their e-mails.

MineOne has done nothing since our February 9 informal discovery conference to further respond to BCB's RFP No. 6. MineOne has not provided the pre-suit internal communications (e-mails, texts, WeChat) between MineOne employees Jiaming Li, Erick Rengifo, Huali Zhang, Lucas Wang, Ziyao Shao, Cho Zhu, Iris Li, and Haku Du. These are the internal communications that will further demonstrate MineOne's breach of contract and Bitmain's intentional interference with BCB's contract, but neither MineOne nor Bitmain will provide BCB with these documents.

BCB filed its "First Motion to Compel Discovery" against MineOne last Friday, February 23. BCB must have these documents, and quickly. But can BCB get them? Not so far. Yet our expert designation is due in two days.

And two US registered Chinese companies – UCHG and YZY Capital – are aiding and abetting MineOne and Bitmain by not providing a single document or e-mail pursuant to BCB's subpoenas to those companies. UCHG admits that "Universal's (UCHG's) corporate emails were given to [Eric Rengifo and Jiaming Li] for their personal usages, and they use it to communicate with BCB and related parties and others," but UCHG would not provide any of their e-mails. Clearly, UCHG **has** Dr. Rengifo's and Dr. Li's e-mails concerning North Range and Campstool; it just won't produce them.

This lack of discovery co-operation is beyond frustrating. It is impairing BCB's ability to discover what BCB believes are many communications that will prove BCB's liability claims against all Defendants. None of this is accidental or inadvertent: Defendants don't want BCB to see or have these critical documents, so they aren't providing them to us.

Before the Court takes up any issue with MineOne's first subpoena to Tim Desrcochers about the identity of his 2021 and 2022 Utah tax filer, the Court must act to compel MineOne to honor its discovery obligations. MineOne's failure to provide the needed discovery has already adversely impacted BCB and its ability to generate a complete expert report. And now Bitmain's woeful 2/20/24 production of only 136 pages to BCB's 28 RFP's is also adversely impacting BCB's case preparation (and counsel are having a 2/28/28 conferral call to address Bitmain's production – or lack thereof).

Attached to this e-mail are the following communications that bear on these discovery deficiencies:

- A. Patrick Murphy's February 11 e-mail to Paula Colbath asking her to correct her misrepresentations to the Court about Huali and Ziyao not being MineOne employees (when MineOne said they are);
- B. Patrick Murphy's February 11 e-mail to Paula Colbath showing Ms. Colbath her clients communicate by WeChat, yet MineOne *still* hasn't produced their WeChat messages;
- C. Patrick Murphy's February 15 letter to Paula Colbath with BCB's and Tim Desrochers' objections to the multiple subpoenas it has issued to – but not served on – Tim Desrochers;
- D. Patrick Murphy's February 15 letter to Judge Rankin about MineOne's discovery issues; and
- E. Patrick Murphy's February 25, 2024 email to Defendants' counsel.

And the Court has already seen BCB's 2/23/24 First Motion to Compel Discovery.

Before anything else happens today, these pressing discovery issues must be addressed and resolved. The Defendants are now asking the Court to vacate the schedule and provide new dates and deadlines, but they are creating this need themselves with their discovery deficiencies, Bitmain's November 21 – January 10 default, and failure to provide BCB the highly relevant documents and communications it needs for its 2/28/24 expert report and case presentation.

BCB is not trying to dodge jurisdictional discovery (as MineOne claims). That is just projection: a defense mechanism for MineOne's dodges and delays. What Defendants are asking with their jurisdictional discovery demands is over the top – blatant harassment, a financial frisk down of Tim Desrochers, and acts of desperation to remove this case from federal court (as more delays serve Defendants to keep mining Bitcoin). Plaintiff wants to get Defendants what they need – Tim Desrochers has already answered MineOne's first subpoena – but we contend that the 2023 tax preparer's engagement letter with Mr. Desrochers is what is relevant, not any 2021 and 2022 documents.

Thank you, Judge Rankin.

Pat Murphy



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